

REMARKS

As a preliminary matter, Applicant's representative would like to thank Primary Examiner Scott A. Rogers for courtesies extended in the telephonic conference conducted on October 13, 2004.

Applicant submits this Statement to comply with the requirements of M.P.E.P. § 713.04.

In the telephonic conference, the following was discussed:

Primary Examiner Scott Rogers confirmed that the Notice of Allowance had been entered and counted on September 7, 2004 and forwarded on the same day for mailing by the U.S. Patent and Trademark Office. The Primary Examiner indicated, however, that due to an error on the U.S. Patent and Trademark Office's end, the file erroneously was sent to the U.S. Patent and Trademark Office's central file facility in Springfield, VA prior to the mailing of the Notice of Allowance by the U.S. Patent and Trademark Office.

Thus, the Notice of Allowance, although counted on September 7, 2004, erroneously was not mailed by the U.S. Patent and Trademark Office.

The Primary Examiner indicated that the file had been requested from the central file facility and that the Notice of Allowance would be mailed as soon as possible. The Primary Examiner kindly forwarded a facsimile copy of the Notice of Allowance on October 13, 2004 to Applicant's representative which affirmed the allowable condition of the present application.

The Notice of Allowance in the present application subsequently was mailed on October 14, 2004 and has now been received by Applicant.


Applicant's representative confirmed that Applicants had filed a Conditional Notice of Appeal on October 12, 2004 (the end of the statutory period for responding to the Office Action mailed April 9, 2004, since the termination of the six month period fell on a weekend and the U.S.P.T.O. was closed on October 11, 2004 in observance of a federal holiday) to the Board of Patent Appeals and Interferences from the decision of the Examiner dated April 9, 2004 finally rejecting Claims 1-14, 17, 20, 23, and 24, solely for the purpose of ensuring that the pendency of the present application would be maintained, should it become necessary.

As mentioned above, the Notice of Allowance in the present application was mailed on October 14, 2004 and has been received by Applicant.

It is believed that no fees are required for the submission of this statement. However, if the USPTO deems otherwise, the Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

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